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Attorneys for Defendant County of Stanislaus

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

NICHOLAS HONCHARIW, Trustee,
Honchariw Family Trust,

Plaintiff,

v.

COUNTY OF STANISLAUS,
Defendant.

Case No. 1:21-cv-00801-DAD-SKO

**SECOND STIPULATION TO EXTEND
TIME TO RESPOND TO
SUPPLEMENTAL COMPLAINT;
ORDER**

(Doc. 13)

1 WHEREAS, on May 17, 2021, Defendant County of Stanislaus filed a notice of removal
2 in this Court and in the Stanislaus County Superior Court following Plaintiff Nicholas
3 Honchariw's filing of a Verified Supplemental and Amended Complaint ("Supplemental
4 Complaint") in state court (Dkt. 1, Ex. 36);

5 WHEREAS, shortly thereafter, Honchariw informed the County that he intended to file a
6 motion to remand the case to state court under 28 U.S.C. § 1447;

7 WHEREAS, on May 25, 2021, the Court entered an order pursuant to a stipulation of the
8 parties making the County's responsive pleading due seven days after issuance by the Court of
9 an order denying the motion to remand (Dkt. 5);

10 WHEREAS, on November 17, 2021, the Court issued an order denying the motion to
11 remand (Dkt. 12);

12 WHEREAS, the deadline for the County's responsive pleading is currently November 24,
13 2021; and

14 WHEREAS, the County's lead counsel has a planned vacation scheduled for the week of
15 November 24;

16 NOW, THEREFORE, the parties hereby stipulate as follows and accordingly request that
17 the Court enter the [Proposed] Order set forth below:

18 1. The time for the County to file its motion to dismiss or other responsive pleading
19 shall be extended to December 3, 2021.

20 2. The County shall notice the hearing on its motion to dismiss for February 1, 2022.

21 3. The County's reply brief shall be due January 25, 2022, and Honchariw's
22 opposition brief shall be due January 14, 2022.

1 DATED: November 22, 2021

SHUTE, MIHALY & WEINBERGER LLP

2
3 By: /s/ Matthew D. Zinn

4 MATTHEW D. ZINN

AARON M. STANTON

5 Attorneys for Defendant County of Stanislaus

6
7 DATED: November 22, 2021

NICHOLAS HONCHARIW, TRUSTEE,
HONCHARIW FAMILY TRUST

8
9
10 By: /s/ Nicholas Honchariw

NICHOLAS HONCHARIW

11 Attorney for Plaintiff

12
13
14 **ORDER**

15 In view of the parties' foregoing stipulation (Doc. 13), and for good cause shown, it is
16 HEREBY ORDERED that the time for Defendant County of Stanislaus (the "County") to file its
17 motion to dismiss or other responsive pleading shall be extended to December 3, 2021. The
18 County shall notice the hearing on its motion to dismiss for February 1, 2022.¹ The County's
19 reply brief shall be due January 25, 2022, and Plaintiff's opposition brief shall be due January
20 14, 2022.

21 IT IS SO ORDERED.

22
23 Dated: November 24, 2021

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE

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25
26 ¹ The parties are reminded that pursuant to General Order No. 617, addressing the public health emergency posed
27 by the coronavirus (COVID-19) outbreak, **all civil motions set for hearing before District Judge Dale A. Drozd will be decided on the papers.** (See Doc. 7.) The parties should not contact Judge Drozd's chambers to
28 inquire about whether a hearing on a pending motion will be held. If the court determines that a hearing is
necessary, the court will issue an order to specially set the motion for hearing by telephone or video conference.